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Board Meeting – June 18, 2012

21st Floor – Conference Room 1

Present Board Members:

- Donald Lang, Chair (DL)
- Andrew Bedar, Member (AB)
- Carol Steinberg, Member (CS)
- Mark Trivett, Member (MT)
- Myra Berloff, Massachusetts Office on Disability Designee (MB)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Gerald LeBlanc, Member (GL)
- Diane McLeod, Vice Chair (DM)
- Walter White, Executive Office of Public Safety Designee (WW)

1) **Incoming:** Rotary Restaurant, 1 Sparks Ave., Nantucket (V12-148)

- TH
- EXHIBIT – variance application
 - proposing to place a shed building near the ramp that will be a frozen yogurt stand
 - existing window is approximately 43 ½”
 - they are proposing a shelf of 2’11”, across the entire front of the window
 - Nantucket Disability Commission supports the variance request

CS - how high above the shelf is the window
TH - 8 inches above the proposed shelf
- meets the zone of reach

MB - hand the ice cream to you thru the window
- have to reach over shelf and up to window

MB - deny

CS - second – fails with MT, AB and DL opposed

MT - grant

AB - second – carries with DL in favor and MB and CS opposed

2) Incoming: Jewish Religious Center, Williams College, 24 Stetson Ct., Williamstown (V12-137)

TH - EXHIBIT – variance application
- renovation of an existing kitchen, including removal and replacement of counters and appliances
- spending over 30%
- one floor
- facility will fully comply except for sections seeking relief on, 32.2, 32.6, and 32.7.3, all relative to the pot cleaning sink
- 32.8.4, for large tray cooking oven, proposing no wall ovens and bread board

MB - grant as proposed

MT - second – carries

3) Incoming: Market Basket, 6A Cornerstone Sq, Westford (V12-142)

TH - EXHIBIT – Variance application
- brand new one story supermarket with a 870 sq ft. mezzanine for the employee lunch room
- proposing LULA

MB - grant as proposed and on condition compliant

MT - second – carries

4) Incoming: Market Basket, Highland Commons, Hudson (V12-143)

TH - EXHIBIT – variance application
- brand new one story supermarket with a 950 sq ft. mezzanine for the employee lunch room
- proposing LULA

MB - grant as proposed and on condition compliant

MT - second – carries

5) Discussion: Jubilee Yacht Club, 147 Water St., Beverly (V10-078)

- TH
- held hearing on August 9, 2010, August 24th decision
 - granted relief to 30.7.1 and 30.7.2
 - proposed starting the work on January 1, 2011
 - on January 31, 2011, received request to have another year
 - 2/18/11, granted until 1/1/12 to complete the work
 - 1/3/11 got letter from the commodore that said that the architect had quit the job and that the variance was no longer needed for the bathroom shower since the project was not going to go forward
 - 5/24/12 scheduled fine hearing for 9/18/12
 - new architect responded, Bobbie Oakley
 - confirmed that there is now an elevator project that is ongoing and there is also a bathroom project going on
 - now requesting 13 variances for minor variances
 - would like to change the hearing from a fine hearing to a variance hearing

CS - *change scheduled hearing to a variance hearing instead of a fine hearing*

AB - *second – carries*

- TH
- would also like the Board to allow for permits to be pulled if the work is proposed over the summer, since the hearing is scheduled in September
 - the project was tabled, and now the project is ongoing
 - the work is over 30%

CS - *allow the issuance of permits, so that the work can go forward on the condition that the September hearing goes forward*

AB - *second – carries*

MB - *schedule a site visit*

MT - *second - carries*

6) Incoming: 468 Merrimac St., Methuen (V12-158)

- TH
- EXHIBIT – variance application
 - spending \$250,000.00
 - building is 98% complete, but no value of the existing building listed

MB - *issue a stop work order for the construction taking place now, to be issued immediately; and include in the order, that there will be no occupancy of the new work at that building (any new feature constructed) until the matters before the Board are resolved*

CS - *second – carries*

MB - *site visit as well, conducted at the same time that the building is posted stop work order*

MT - second – carries

Gerald LeBlanc, Member – Now Present

7) Incoming: Sturtevant Hall, Andover Newton Theological School, 197 Herrick Rd., Newton (V12-154)

TH - EXHIBIT – variance application
- spending over 30%
- renovation of dorm and student center

CS - hearing

MB - second – carries

8) Incoming: Thorns Marketplace, 150 Main St., Northampton (V12-141)

TH - EXHIBIT – variance application
- small project, work performed
- they are adding another set of door on the connecting ramp at the parking garage
- want to create a vestibule
- proposing auto-opener

MB - if auto-sensor, then energy issue
- propose button
- button should operate sets of doors separately
- two sets of buttons

MT - grant as proposed, on the condition that auto-openers provided to function in both directions of travel

AB - second – carries

Raymond Glazier, Executive Office of Elder Affairs Designee – Now Present

9) Advisory Opinion: Duffy Hall, Stonehill College, 320 Washington St., Easton – BKA Architects

*AB and MT not present

TH - assessed value question
- property card from Stonehill College shows assessment for one floor of the building on the tax card
- tax cards are deficient in their information about the building
- contacted Mr. Alford, Chief Assessor in Easton, able to get the Vision property cards back to 2006
- only addresses assessed value of the first floor of Duffy Hall
- just want to multiply the value by 3, since there are 3 floors
- Stonehill has an overall value

- overall value of Stonehill (land and building) is \$47 million, need to have the architect figure out the value based on building values as a whole and then divide by square footage assessed value

DL - building value can be taken from overall building value based on 521 CMR 3.7
- since unsure of what is on the upper floors, need to look at the collection of buildings and establish the value that way

TH - the Town established the overall building values for the college

MB - looked at all the buildings as a conglomeration
- need to look at the square footage for all of those buildings
- Town is assessing everything at the same value per square feet

RG - motion to have the architect do partial application based on the overall campus value, 521 CMR 3.7, to establish the value of Duffy Hall

GL - second – carries with AB and MT not present

AB and MT now present

10) Incoming: First Congregational Church, 100 Winter St., Norwood (V12-139)

TH - EXHIBIT – variance application
- petitioner seeks variance to 25.1, existing raised walkway that leads to an accessible walkway
- existing accessible entry door is being replaced
- variance for stairs at main entrance

CS - grant as proposed

MB - second – carries

11) Discussion: First Congregational Church, 148 West Main St., Millbury (V10-050)

TH - follow-up to outstanding issues for the church, regarding access to the altar (521 CMR 29.2.3)
- reviewed on May 7, 2012, asked that the church tell the Board how the altar is used during church services
- received letter in response regarding use of the altar, no use of chancel during services, there is a lectern that is movable and used by the members and the church staff
- communion, baptisms, weddings, are all given at the main floor
- choir uses several locations, chancel chairs at the beginning then move to the main floor
- during special music performances are on the main floor

CS - why not require access?

TH - not enough room at the altar, more room at the front of the altar

DL - very small altar, historic building, more room in front of the altar than on the altar

- also HVAC vents appear under the altar

TH - ramp installation shown, \$43,000.00 to build anyone of those ramps
- also lift option shown as well

MB - have to get adjustable podium/lectern
- perhaps grant time to look into the lift option

TH - they don't want to alter the historic altar

DL - ramp not feasible
- significant accommodation plan, rather than putting in mechanical equipment to the lift

TH - have granted variances to other churches where the choir sings in the balcony, when the accommodation policy is that choir will be moved to the main floor

CS - thought they said will be moved if need to to the main floor level

TH - no letter states that the services are done from the main floor

MT - would be comfortable with adjustable lectern or accessible lectern

MT - grant the lack of access to the altar, on the condition that either adjustable lectern or an accessible lectern will be provided

MB - second – carries with CS and RG opposed

12) Advisory Opinion: CVS Minute Clinic Exam Tables (521 CMR 13.1), Cambridge – Larry Braman

TH - last meeting said that have to comply
- feel as though there is no reference back to 521 CMR 13 when sent to 521 CMR 11

MB - read 521 CMR 13.1

DL - no doctors in the minute clinic, as stated in 521 CMR 13.1

MB - thank you for pointing out the weak link, although not necessarily required in the building code, it is discriminatory

MB - after review by the Board, determined that the current regs do not require accessible exam tables in facilities such as the minute clinics, however the Board will review the language to the AAB Regulation Subcommittee, based on the fact that there is a substantial benefit to having an accessible exam table in this heavily used facility

AB - second – carries

13) Discussion: Noble and Greenough School, 10 Campus Dr., Dedham (V10-175)

- TH - follow-up compliance question on sliding door thresholds
- Section 24 regarding 3" change in level 1:10 slope allowed
- gap at sliding door is filled when door is left open and otherwise 1:10 slope at one side of threshold and 1:50 slope at the other side; height is 2 ¼"

CS - *allow proposed slope, based on the exception in 521 CMR 24.2 for the sliding doors*

MT - *second – carries*

14) Incoming: Wright Building, 281 State St., Springfield (V12-150)

- TH - EXHIBIT – variance application
- tenant spaces being offered to small businesses
- 2,500 sq. ft. per floor
- allowed temporary CO by Building Department, unsure of for what
- lift installed but not operational because of failure of payment
- letter from lift company dated June of 2011
- the elevator company refuses to turn the lift on

MB - *have until September 1, 2012 to submit confirmation that the lift is functioning, inspected and operational or the building will be shut down*

GL - *second – carries*

- TH - why is the temporary CO issued by the Building Department

GL - *have the building department submit information as to what was the jurisdiction of 521 CMR, what was done and not done and how/if the building is occupied*

MT - *Second – carries*

15) Discussion: Huntington Ave, Curb and Sidewalk Complaint, Boston (C04-067)

- TH - the last extension request to complete the accessible walkway for City Hall Plaza
- fenced off work, accessible City Hall pathway, built with the fines that had accumulated from this case, allowed to be used by the City to create this pathway
- July 1, 2012 deadline, Kristen McCosh seeking until September 30, 2012

MB - *grant as proposed to 9/30/12 to complete*

AB - *second – carries*

16) Advisory Opinion: MassDOT, reciprocal curb cuts

- TH - bus stop improvements along busiest bus routes, new work at each stop, lengthened to create accessible boarding areas
- all of the affected bus stops and adjacent curb cuts are located on municipal property
- at several locations proposing to reconstruct curb cuts that are within a crosswalk, curb cut at the other side is not owned by the MBTA, all owned by the Municipality

- working with the municipality's to create the accessible curb cut at the other side

TH - City has to fix the other curb cut, both owned by the City/municipality

MB - although work done by the MBTA/DOT, the curb cuts are owned by the Municipality at both sides, therefore have to be corrected at both sides

MT - second - carries

17) Hearing: Nappi's, 370-374 Salem St., Medford (C11-004)

DL - called to order at 11:00 a.m.

- introduce the Board

Kevin Shea, Legislative Director from Representative Donato's Office (KS)

Giuseppe Nappi, Owner (GN)

Mark Dempsey, Compliance Officer for the Board (MD)

DL - all sworn in

- EXHIBIT 1 – AAB1-58

MD - brought to our attention by City of Medford that work was done to the facility in 2010

- façade restoration that included the entrance

- 2/14/11 cited entrance for not being accessible, since it has a step

- AAB48-49 shows pictures of the front entrance

- scheduled the hearing after no response from the petitioners had to schedule hearing

- was scheduled for the beginning of 2012, but due to the death of the owners son, the hearing was rescheduled

DL - work performed at the front entrance required the accessible entrance to be done

MD - yes

KS - lack of response was due to lack of awareness to the process

- was a step at that location, in their opinion they were repairing and replacing the existing entrance

- used a licensed contractor to do the work

DL - is the first floor level the same as the front entrance

KS - yes

DL - contractor is required to have 521 CMR with them as part of their license

GL - step was replaced?

KS - just used the tile that was in the interior and used it at the exterior

- new step is actually already damaged as shown in AAB29, but that is a separate entrance

DL - but GN owns the entire building?

GN - yes

MB - what was done to the building?

GN - put a new window in, when found more work, then did more work to replace the brick and the window

KS - AAB38 was prior to the work being done

- AAB39 is new storefront
- awning was removed

MT - windows were replaced?
 GN - yes
 - was the doorway also replaced?
 GN - yes, but just replaced the existing door

DL - landing for the restaurant is the same?
 GN - yes, just replaced glass, brick and door

MD - work on the step triggered the accessible entrance

CS - two steps where there was one?
 KS - no just a cap on the existing stair

KS - two commercial units, to the left is the restaurant, to the right a convenience store, also entrance to the upstairs tenant spaces

CS - find in favor of the complainant
GL - second – carries

DL - find that this is a valid complaint, should have complied or sought a variance at the time of construction

KS - have discussed this matter, and would like to propose metal ramp temporary when needed
 - would like to make the tenant spaces fully accessible, but due to space constraints cannot due permanent solution

MB - can't do the ledge over the brick at the front step based on 521 CMR
 GN - can replace or cut the step to be flush
 - need to submit variance request and need to address the other outstanding issues, need to have someone familiar with the code help to submit variance request

CS - would there be a place to store a temporary ramp?
 GN - yes, and accessible toilet room within the space

CS - submit a variance or plan for compliance by July 13, 2012
GL - second – carries

18) Incoming: Frankel Law, 165 Rodman St., Fall River (V12-152)

TH - EXHIBIT – variance application
 - over 30%
 - seeking relief for sloped entry landing, proposing auto-opener at interior and exterior (1:12 slope)

MB - grant as proposed
MT - second – carries

19) Discussion: Panera Bread, 1684 Mass. Ave., Lexington (V12-016)

- TH - follow-up to the Board's June 4, 2012 decision
- submittal on June 15, 2012
- proposing to just put emergency egress gate and state that the Building Commissioner approved that proposal
- MT - not a required egress
- crash bar could just be operated from the other side
- MB - not a required means of egress
DL - no, only 8 seats at the patio
- CS - *no gate be provided, continuous fence/guardrail be installed, with design submitted by July 13, 2012*
- GL - *second*
- MB - *if Panera confirmed that they closed off the patio, from the building inspector, which the Board interprets that "closing off the patio" to mean no gate is provided at the patio since the gate is not a required means of emergency egress.*
- *carries*
- CS - *still need plan showing the accessible path of travel provided from the food counter to the patio, to be submitted by July 13, 2012*
- AB - *second – carries*
- CS - *need the Building Official to submit vestibule measurements by July 15, 2012*
- AB - *second – carries*

20) Discussion: Cases of the Day

- CS - Amherst College, want to visit students in their dorm room
- TH - told them that this was a flawed plan, and that they didn't show any other options
- vertical access required, elevator shown
- hearing moved up for the Petitioners, previously scheduled for a later date
- CS - commercial building in Melrose
- confused with path of travel
- TH - violation occurred by whoever renovated the building
- MB - first question is "who renovated the building?"

21) Incoming: Cummings Towers, 950 Canterbury St., 855 American Legion Hwy, 865 American Legion Hwy., Roslindale (C12-037)

- TH - complaint filed
- variance received Friday, seeking the variance be expedited
- 950 (68 units) modernization done, provided accommodations
- elevator inspector filed complaint, because an elevator company installed 7 stanah stairlifts to climb the 7 flights during the elevator modernization
- 3-4 weeks to do the modernization project, the elevator in 950 currently done
- seeking to do the same in the other two buildings
- MB - have these kinds of cases in the office all the time

- typical complaint is that the elevator be shut down for 4 weeks because of modernization
- never heard of stanah stairlift being installed, this is an accommodation to the tenants

TH - letter from attorney stated that the management office states that they are unaware of any wheelchair user in any of the buildings

MB - find in favor of the complainant
CS - second – carries

MB - grant the use
KS - need to make a motion to expedite first

MB - due to the emergency nature of this particular issue, waive the two-week holding process
MT - second – carries

MB - due to the emergency nature of this issue, grant the use of the stannah chair lift, for this use only, during the elevator modernization process; and also on the condition that there are runners provided as stated in the letter from the attorney (a,b,c and d).
CS - second - carries

22) Hearing: Commercial Building, 608-612 Main St., Melrose (V12-068)

DL - call to order at 1p.m.
 - introduce the Board

Geoffrey Shafer, Owner (GS)

DL - GS Sworn in
 - EXHIBIT 1 – AAB1-27

GS - purchased the property in January of 2012
 - old house, been used for office space for the past 10 years
 - 10 years ago, developer did partial renovation and then left the property
 - design build construction company
 - purchased and renovated for office and potentially medical use
 - main house and then the addition building

DL - who did the renovations?
 GS - we did, the building was partially finished when purchased, but still required finishing

GS - occupying the building at the first floor (design build company)
 - top floor is web design company, both floor of addition building is a law office
 - basement at main building is demoed, not occupied

DL - what parts are accessible at this point and what parts are not
 GS - the law offices were not accessible at the time that the application was submitted, no tenant at that time; but now with the law office, an accessible walkway was added
 - there is an existing curved walkway to the basement at the right side

DL - one tenant in the red portion, with one accessible entrance to the main floor
 - two tenant spaces at the blue portion?

- GS - three tenant spaces, with my company at the first floor, web designer at the second floor, and no tenant currently at the basement level
- CS - all the same law office?
- GS - yes, one lawyer with a partner and common conference room at the first floor
- GS - for the entrances, need relief for the two entrances at the porch entrances, one to the main floor (610 Main Street), and second floor (612 Main Street); 608 Main Street is both floors of the building at the right since the same tenant
- CS - 610 Main Street, basement level is accessible
- GS - submit photo of the walkway to the 608 Building
- DL - EXHIBIT 2
- GS - has an executed lease from the 608 tenant that has a rider that their conference room will be made available to the other tenants in 610 and 612.
- TH - egress from tenant space?
- GS - is only onto the porch
- CS - one accessible toilet room for the entire structure
- GS - have to go out and come back in to access at the 608 space; but will have accessible toilet room in tenant space of basement space for 610
- CS - *grant the variance or the 2 entrance doors at 610 and 612 to the second and first floor tenant spaces on the condition that the conference room, comparable to that shown on AAB19 is provided within the basement tenant space of 610, with copies of the signed lease submitted to the Board noting that everyone has use of conference room*
- MT - *second – carries*
- CS - *amend motion to state that the conference room and the toilet room at the basement level tenant space at 610 Main St. be completed and verified as such, and that the petitioner provide leases with tenants by 9/15/12*
- AB - *second - carries*
- AB - application says that the measurement is in degrees, is it degrees or percent
- GS - 1:20, so percent
- MB - *based on the testimony, the walkway into 608 main street complies at 5%; and grant the variance to 610 basement tenant entrance walkway to be no greater than 6.1% as stated.*
- AB - *second – carries*
- DL - ramp?
- GS - ramp not required if walkway granted and that ramp variance request was for the potential ramp to the porch entrance, which was not feasible, and that the board just granted the variance for the entrances
- CS - *no variance required for 24.1, based on the boards motion to grant the variances for the lack of access to the entrances at 610 and 612 and the motion regarding the walkways*
- AB - *second - carries*

- TH - handrails is the next variance, although listed as 27.1
- GS - interior stairs have interior regular banister; 32" wide clear at the right side (access to 612) from interior
 - doubt the exterior stairs comply with the requirements
 - left side (red building) has interior winder stairs, with handrails added
 - there is a wall side handrail at the interior stairs
- DL - exterior stairs handrails do not comply
- CS - *continue on all stairs (interior and exterior) stairs to confirm that they either comply with 27.1 or that specific request or plans for compliance be submitted by July 13, 2012*
- AB - *second – carries*
- DL - accessible route variances already covered with other variances
- TH - AAB22, is meets and bounds of the property
- GS - plot plan, AAB25
- DL - inadequate pull-side clearance at the lower left conference room area (AAB18)
 - may be other issues that need to be addressed
 - work performed issue in 608 Main Street
- MB - no accessible toilet room at the red building?
 - how long is the lease?
- GS - 5 years
 - when the lease expires, that is the time to make the required changes
- CS - employee only second floor bathroom
 - hard to believe that the law office will send their clients to the other building for a toilet room
- CS - *no variance is required for 20.1, based on the previous motions of the board to grant the variances for entrances and walkways*
- AB - *second – carries*
- DL - testimony that accessible toilet room and conference room will be provided at the basement level tenant to be used by the other tenants within the complex as required
- MB - need to have call button at the stairs to call to the first floor and second floor tenants (610 and 612)
- MB - *grant the variance to the lack of vertical access at the interior for this owner and use only; recorded with the registry of deeds; and signed leases provided with policy regarding conference room use*
- AB - *second –*
- RG - *attics not used?*
- GS - *only used for storage*
 - *motion carries*

- MB - *amend the entrance variance to require the inclusion of doorbells at the sidewalk level, with one bell to each business within 610 and 612 at the first and second floors; with signage posted at the inaccessible entrance directing to the accessible entrance*
- CS - *second – carries*
- CS - *no variance is required for the employee only toilet room at second floor of 608, one in 610 and one in 612, on the condition that an affidavit is submitted stating that the toilet rooms are submitted by July 13, 2012*
- AB - *second - carries*

- DL - issues with doors in 608, entrance door (inadequate pull side clearance), conference room door (inadequate pull side clearance)
- need a minimum of 18” pull side clearance
 - door widths also do not comply
 - at the accessible level of the building, all of the doors should be accessible

- CS - *continue issue of the doors at lower 608, plan for compliance or amended variance by 7/13/12*
- AB - *second - carries*

- MB - make sure that you have a copy of 521 CMR, since they are very specific

- MT - door hardware?

- GS - lever hardware at all doors

23) Hearing: Seligman House, Amherst College, 67 Northampton Rd., Amherst (V12-099)

- DL - called to order at 2:15 p.m.
- introduce the Board

Tom Davies, Amherst College Design and Construction (TD)

Carl Nelson, Rolf Jensen Associates Inc. (CN)

Matthew Gifford, Shepley Bulfinch (architect) (MG)

Stephen Erwin, Shepley Bulfinch (architect) (SE)

- DL - all sworn in
- EXHIBIT 1 – AAB1-33

- TD - Amherst College has been dedicated to increasing accessibility for the campus
- in the last 12 years, made a significant amount of progress, especially with dormitories
 - almost every building renovated, most with elevators
 - project talking about today is off campus, used to be fraternities
 - working the way thru to renovate the old fraternity buildings
 - proposing addition to Seligman, only 21 beds now, which will be fully accessible at the first floor (all common areas), with accessible entrances and egresses
 - seeking no vertical access within this building
 - last place that someone with mobility impairment would want to be because of location so far off campus and narrow sidewalks; such great accessible dormitory spaces on campus, so from institutional perspective, this would be the last place that someone would want to be
 - so many dormitories elsewhere that are accessible, therefore, marginal benefit versus cost

- DL - campus map again, road layout
- TD - route 9 is a very busy road that connects to the main campus
- SE - explain existing building (all brick construction)
 - seeking to install addition that fits nicely with the existing structure
 - first floor is main entrance and vestibule with ability to go either upstairs or to the main level common spaces; or to the accessible bedrooms (doubles and singles) on this floor
 - AAB19, second floor, much the same, most of the rooms on the project are singles with a couple of doubles here and there
 - toilet rooms located in new construction area
 - 3rd floor, existing structure is only 2 stories; mostly singles in the addition portion, with an occasional double
 - looked at variety of options for elevator, LULA or vertical lift, to be centrally located (so not have to go down residential corridor to access the elevator)
 - in each case, loss of three beds (one per floor), whether lift or full elevator
 - AAB21, view from Lincoln Avenue, emergence of penthouse elevator headhouse
- CS - all vertical access options, type and location, lose beds?
 SE - yes
- CS - fourth floor?
 SE - basement level
 - common space at the third floor
 TD - bathroom only
- MB - wherever one would put an elevator, the space could be used for another purpose
 - problem with 3 story addition to the building, and losing 3 bedrooms within a new addition
- TD - college perspective, there is a “bed crunch” so trying to create as many beds as possible
 - have an opportunity here to create some extra beds
 - have asked the design team to maximize the potential for the site
 - can’t make the building any bigger
 - have more flexibility when building brand new dormitories that have more beds within each building
 - trying to get the beds that they can to make the project viable
 - elevator would take up a lot of needed square footage
- SE - cost is also an issue
- CN - code consultant for the project
 - all spaces at the first floor will comply, only public/common use spaces at upper floors (toilet rooms) will not comply
 - each of the vertical access locations, each created loss of space
- MG - adding further access to all public entrances, and change of grade will make all egresses accessible as well
- CN - option 1 installation of elevator
 - option 2 installation of LULA
 - second floor (AAB23), third floor (AAB24)
 - option 3 installation of vertical wheelchair lift

- costs of creating access to all floors on AAB14
- Option 1 (elevator) \$940,500.00; Option 2 (LULA) \$880,500.00; Option 3 (Vertical Lift) \$857,500.00
- all costs include machinery cost and cost of lost beds and cost of loss of revenue
- all costs result in 12.5-3.3% of the overall construction cost

DL - costs breakdown?
 CN - cost to construct the bed, and the other cost is the revenue that the bed produces

DL - AAB18, space that is left is indicated as single room (with location of elevator)
 - without the elevator in that location, the single is a double at each of the floors
 SE - yes

DL - the second floor double shown at the end of the building appears to be the same size as the single room shown with the installation of the elevator; appears to be exactly the same size

MB - if LULA installed then even more space

DL - in that case, the room designated as single with the LULA adjacent, is larger than the double room shown

SE - without having the furniture layout, not sure of circulation impact with coming in at the corridor as opposed to the direct entrance to the room on the single

MB - understand the location of the building relative to the campus
 - but having a hard time accepting lack of vertical access
 - more goes on in the dorm rooms (more experience, more education, more gathering), by not having access to the upstairs room then not have access to those other students

SE - in a residence hall of this scale, all of the common spaces are on the first floor anyways, as opposed to larger dorms that would have floor lounges
 - even if you could put common lounges on the upper floors, because of the scale of the buildings

MB - when you are away at college, the room is your home
 - they invite friends into dorm room, very little takes place in common areas

CS - someone that uses a wheelchair would not want to have a dorm space in this building anyways
 - so why would people want to be in that building

TD - house 95%, almost all students on campus (although they can petition to be on campus)
 - rooms depend on the lottery system, no choice?

CS - even upper class can't choose

- upper class can pick sooner in the lottery, and only the incoming freshman are allowed in campus housing that is at the center

- the housing at Seligman will be more attractiveness since it is modified, but it is a less desirable location

CS - where are the classes?

- at the center of the campus

CS - is the building near anything?

TD - not really, a more remote dorm

TD - take the visitability is obviously important, need access for all aspects

- this is the least likely place that someone with a mobility impairment would be located

- currently only 1-2 students with mobility impairments enrolled, but could be more

MB - cars allowed on campus?

TD - not for freshman, except with one exception for a freshman with a mobility impairment
- but upper classmen are allowed to have cars on campus

MB - more residential in Seligman location?

TD - yes

DL - if you didn't lose the bed, then would a LULA or lift be installed, then would that change the view on the building

TD - if we didn't lose the beds and could put the LULA in then wouldn't be an issue

DL - any harm in having the architects submit how the rooms adjacent to the LULA/Lift could be utilized to create two bedroom units in those spaces?

TD - may lose window for construction if have to go thru town approval again
- construction set to begin next week

SE - looked at various options for addition location relative to access when approaching the building and the parking to the rear

- the current location of the addition is the best location for the addition within the footprint

MT - having difficulty with the loss of bed argument with the plans showing the accessible double across the hallway, seems similar square footage

SE - 3 beds in that bank a single and a double room

CS - with a LULA, the single looks the same as the double

DL - just simple analysis when looking at the design showing one as a single, when the square footage appears the same or greater than the existing double rooms

TH - furniture plan and room dimensions?

DL - yes

TD - because of the schedule pressure that we are under, can we get conditional approval if LULA works that they can get the bed count

- to get the project moving

MB - would be inclined to grant the variance for the lack of accessible toilet rooms at the upper floors

MB - grant the use of a compliant LULA in this building

MT - second – carries

MB - grant the variance for the lack of accessible toilet rooms at the second and third floors, based on excessive cost without benefit

CS - second – carries

CS - have TH contact building official to make them aware of the Board's decision

GL - second – carries

DL - called to order at 3:20 p.m.
- introduce the Board

Mary Kraus, Kraus-Fitch Architects (MK)
Peter Gagnon, Smith College (PG)

DL - both sworn in
- EXHIBIT 1 – AAB1-22

TH - clarification that the exempted work counts towards 30%, therefore the jurisdiction of 3.3.2 is triggered; application states that 46% of the work qualifies as exempted work since they are “critical maintenance items”
- nothing exempted, 30% still triggered

PG - first building on the site, very historic
- first purchased in the late 1800’s, moved a couple of times, never received a lot of major renovations
- a couple of years ago, started capital project to renovate

GL - Neison or Neilson?
PG - Neilson

MK - most of the doors on the second and third floors do not comply with width requirements
- all door hardware will be compliant at all floors
- will widen all the doorways at the second and third floors
- submit revised plans
DL - accept revised plans as EXHIBIT 2

MK - door clearances not provided at the doors to the second floor spaces, so offering flex space meeting room as an alternate location

MB - if the door is opened by the professor, then could access the room?
PG - yes, flex space is an alternate location space

DL - room 210, 211, 213, 214 is pull side clearance issues

MB - *grant relief for pull side clearance only at 210, 211, 213 and 214, on the condition that flex space provided*

AB - *second – carries*

DL - no push side clearance issues at the second floor
MK - no

MK - AAB14, some door thresholds at the first floor at room 101, 102, 106, 107 (two doors)
- unsure of exact dimensions of the thresholds

MB - thresholds are barriers if the thresholds are too high

CS - also need to know if there is more than one door to the same room, then maybe just fix one door

CS - *continue to have the Petitioners submit more information regarding location of thresholds and dimensions of each thresholds by July 13, 2012*

AB - *second – carries*

- DL - push side clearance
MK - second and third floor doors
- MK - vertical access variance before dealing with lack of access at third floor areas
- AAB17, elevator variance request
- access to the third floor cannot be accomplished unless break through historic eave and roof lines of the original back wing of the Dewey House; only 6 offices at the third floor
- first variance is for lack of vertical access to the third floor, based on cost and loss of space, versus benefit; use of space at the second floor if need be
- seeking a variance for the installation of a vertical lift to the second floor, location for lift would be by back stair and would be within the existing width and height in that location
- \$88,000.00 more for elevator versus lift
- seeking installation of lift to the second floor
- AB - 28.12.1c, size, other work in the building, cited the wrong location
KS - just a general cite for that section 28.12.1
- CS - attic space at third floor
PG - unoccupiable space at the attic locations
- MB - use of a LULA versus use of a lift in that corner, has that been looked at?
PG - enclosed in a shaft
- DL - LULA does require head height beyond top traveled floor and venting
- so could be problematic with the amount of height needed
- CS - *grant the variance for the lack of access to the third, on the condition that a compliant vertical wheelchair lift is installed to access the second floor as proposed*
AB - *second – carries*
- MK - third floor doors
- width issues at the third floor doors, pull side clearance issues and push side clearance issues
- MB - no threshold problems at third floor?
MK - no, just at first floor
- CS - *grant the variances for the third floor doors (width, push and pull side), on the condition that there is a written policy, requiring professors to make accommodations to meet with people at the second floor flex room space, based on cost being excessive without substantial benefit*
AB - *second - carries*
- MB - *grant relief for the lack of access at third floor bathroom*
MT - *second – carries*
- MK - stairs, AAB16, treads and riser and handrails (location, height and extensions)
- curved historic stairs, nosings comply, height of interior handrails and lack of wallside handrails
- DL - why not install compliant wallside handrail

- letter from Mass Historic says that a second handrail will be detrimental to the historic character of the building

PG - could post signage directing to the rear stairs

MB - first time letter from Mass. Historic that says handrail would be detrimental
- liability for the building, handrails are a safety issue
- how far away is the compliant stair

MK - down the hall

GL - deny the request for lack of compliant handrails at the wall side at the curved stairs

MT - second – carries

MB - grant variance for the lack of compliant handrails for the curved stairs

GL - second – carries

MK - second to third floor stair
- variance for the lack of compliant inner handrail and winder stairs

MT - grant the variance for the lack of compliant interior handrail and the winders at the stair between the second and third floors, on the condition that compliant wall side handrail installed

MB - second – carries

MK - third floor toilet room noncompliant
- second floor will have one accessible toilet room
- no variance required

TH - 72” x 90” required for overall clear room dimensions at the interior

MK - storage closets throughout the building
- no plans to remove or improve these existing closets

DL - “required to be accessible” what is “required”
TH - 30% triggered required compliance

MB - since employee only space

CS - no variance required since employee only spaces

GL - second – carries

KS - location of accessible toilet room variance needed for first floor toilet room

MT - grant location of accessible toilet room at first floor on condition directional signage at the inaccessible toilet room

MB - second – carries

***NO MORE DL – CS as chair ***

25) Discussion: Moozy’s Emporium, 2 Trapelo Rd., Belmont (V12-072)

TH - received a call from the owner
- would like to do permanent concrete ramp by September

- want to use temporary wood ramp for now
- on Saturday, emailed Norton Remmer and asked that pictures of temporary ramp be submitted

GL - grant the variance for the use of the temporary until September 1, 2012, by then permanent ramp as originally approved is installed and verified at that time

MT - second – carries with RG abstaining

26) Incoming: Kids Corner Daycare, 185 Plymouth St., Carver (V12-140)

- TH - EXHIBIT – variance application
- seeking to open second floor
 - change in use

MB - continue for more information by 6/25/12

AB - second - carries

*** No more RG ***

27) Incoming: Office Building, 690 Canton St., Westwood (V12-149)

- TH - EXHIBIT – variance application
- 3 story office building
 - seeking variance to remove a ramp that exists at the first floor, and proposing to install a lift
 - they have to get at a structural problem that they are having, need to remove ramping to get to the issue

MB - deny

GL - second - carries

28) Advisory Opinion: Hughes Associates, elevator fire doors at Boltwood Place, Amherst

- TH - vestibule language is what is the factor
- either need announcement or a screen instead of solid door

AB - bring before subcommittee for review

MB - second – carries

MB - is there a possibility to attach an announcement to the elevator if need be

TH - yes, that is what he was told

TH - allowed by IBC as exception

MB - need a variance

GL - second – carries

29) Incoming: Housing Units 2A, Holyoke Housing Authority, 475 Maple St., Holyoke (V12-138)

- TH - EXHIBIT – variance application
- 7 stories, with admin and community room at first and second floor, residential at 5 other floors
 - creating group 2A units
 - seeking relief regarding shower valves on the long wall

- not over 30%, so not required per 521 CMR 9

MT - no variance required

AB - second - carries

30) Incoming: Neptune Towers Apartments, 130-160 Neptune Blvd, Lynn (V12-157)

TH - EXHIBIT – variance application

- two 12 story apartment buildings (1, 2, and 3br units, common laundry and common community room)
- voluntary project to create 17 Group 2A units
- not over 30%, but not clarified if \$50,000 on each unit, or overall

MB - no variance required, unless spending over 30% of the assessed value of the building

MT - second – carries

31) Incoming: Local Table, 251 Arlington St., Acton (V12-147)

TH - EXHIBIT – variance application

- new parking lot and walkway to entrance
- violation letter May 9, 2012
- commission letter also submitted letter requesting denial of variance request
- variance of 3.9% cross slope of paving

MB - deny

MT - second – carries with GL abstaining

*** No more GL ***

32) Discussion: Minutes and decisions from 6/8/12

CS - issue with accepting plan for exterior atms, without mentioning interior atm

AB - accept the decisions and the minutes

MT - second – carries pending additional vote of one Board Member, based on current lack of quorum

- End of Meeting -